

Exhibit 3

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
_____)	

**DECLARATION OF FRANK M. DELUCA IN SUPPORT OF THE RESCAP
BORROWER CLAIMS TRUST'S OBJECTION TO CLAIM NO. 2892
FILED BY GERARD WIENER, FOR HIMSELF AND AS REPRESENTATIVE
OF THE ESTATE OF ROLAND WIENER**

I, Frank M. DeLuca, hereby declare as follows:

1. I am over the age of 21 and competent to testify in this matter. I have personal knowledge of the matters stated herein unless otherwise indicated.
2. I am an attorney licensed to practice in the State of Michigan. I am a partner at the law firm McKelvie DeLuca, P.C. (the "Firm"), and my office address is 280 W. Maple Road, Suite 200, Birmingham, MI 48009.
3. I am counsel of record for GMAC Mortgage, LLC ("GMACM") in the matter styled *Gerard Wiener v. Bankers Trust Co. et. al.*, Case No. 11-10770, filed in the United States District Court for the Eastern District of Michigan (the "District Court Action").
4. I submit this declaration (the "Declaration") in support of the *ResCap Borrower Claims Trust's Objection To Claim No. 2892 Filed by Gerard Wiener, For Himself and As Representative of the Estate of Roland Wiener* (the "Objection").
5. Except as otherwise indicated, all facts set forth in this Declaration are based upon my personal knowledge of Wiener's litigation against GMACM and the Firm's role in that litigation, and all statements made in this Declaration are based on my familiarity with the

Firm's book and records kept in the course of its regularly conducted business activities. If I were called upon to testify, I could and would testify competently to the facts set forth herein on that basis.

6. On June 22, 2010, the Claimant filed a complaint against GMACM (the "Complaint"), in the Circuit Court for the County of Oakland, Michigan (the "State Court").

7. On June 30, 2010, the Claimant and GMACM stipulated to an order stating, "the redemption period is tolled pending further order of the court" (the "Redemption Period Order"). See Order Tolling Redemption Period, attached hereto as Exhibit A.

8. On November 24, 2010, the Claimant amended the complaint to add Freddie Mac as a defendant. Freddie Mac removed the Action to the United States District Court for the Eastern District of Michigan (the "District Court"), case number 11-10770-GCS-PJK.

9. The Claimant amended the Complaint two additional times, filing the Third Amended Complaint on November 8, 2011.

10. GMACM filed an answer to the Third Amended Complaint on November 22, 2011. The parties subsequently engaged in written discovery, including responding to document production requests. In response to the document production requests, GMACM provided the Claimants with a number of documents from its books and records. The documents provided included, among others, the following:

- a. August 17, 2009 letter from the Claimant's counsel, a copy of which is attached hereto as Exhibit B;
- b. An unsigned October 7, 2009 Forbearance Agreement, a copy of which is attached hereto as Exhibit C;

c. A chain of emails between Patricia Scully, the Claimant, and the Claimant's counsel from October 2009, a copy of which is attached hereto as Exhibit D;

d. A chain of emails between Patricia Scully and the Claimant from November 2009, a copy of which is attached hereto as Exhibit E;

e. A chain of emails between Patricia Scully, the Claimant, and the Claimant's counsel from November 2009, a copy of which is attached hereto as Exhibit F;

f. The Sheriff's Deed on Mortgage Foreclosure, dated January 5, 2010, a copy of which is attached hereto as Exhibit G;

g. An email dated July 7, 2010 from a representative of GMACM to Freddie Mac informing Freddie Mac of the Redemption Period Order, a copy of which is attached hereto as Exhibit H;

h. A deed of sale from the sale of the property by Freddie Mac on September 20, 2010, a copy of which is attached hereto as Exhibit I.

11. The Claimant also deposed Patricia Scully. A copy of that deposition transcript is attached hereto as Exhibit J.

12. On November 29 and 30, 2012, the Claimant took depositions of two GMACM representatives, pursuant to this Court's Order Modifying the Automatic Stay.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 9, 2016

/s/ Frank M. DeLuca
Frank M. DeLuca
McKelvie DeLcua, P.C.